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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,654	09/09/2003	Michael D. Hamerski	56127US008	1976

32692 7590 06/18/2004

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,654

Applicant(s)

HAMERSKI, MICHAEL D.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/15/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for serial number 10/658,654, Hanger, filed on September 10, 2003. Claims 1-17 are pending.

Claim Objections

Claim 1 is objected to because of the following informalities: on line 13 "restricting" should be --being adapted to restrict--. Appropriate correction is required.

Claim 2 is objected to because of the following informalities: on line 2, insert --are adapted to-- before "restrict". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 10-85495 to Sekikawa. Regarding claims 1, 2, 4, 6, and 9, Sekikawa discloses a hanger (Fig. 1) comprising: a base (3,4) having a supported surface (at 7 and at 8) and an opposite outer surface (at 3 and at 4), an elongate peg (1) having a longitudinal axis and first (at 6) and second (at 2) longitudinally spaced ends, a portion of the peg adjacent the first end mounted on the base in a use position with the axis of the peg being generally at a right angle with

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respect to the supported surface (7), and a major portion (at 1 generally) of the peg adjacent the second end (at 2) projecting from the outer surface, having a generally uniform cross-sectional area along its length, and having an axially extending threaded (i.e. axially spaced transverse ridges with sharp edges) surface portion (5) for solely restricting free movement of an object (10) around the peg axially of the peg. Sekikawa does not expressly disclose the major portion of the peg having a diameter being less than about 0.17 inch. With regards to claims 9 and 10, Sekikawa does not expressly disclose the peg having a diameter of about 0.11 inch and the major portion of the peg projecting from the outer surface by a distance in a range of 0.15-0.30 inches.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the peg of Sekikawa with the dimensions as specified above since it has been held that the optimization of proportions in a prior art device is a design consideration within the skill of the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961).

Claims 1-4, 6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swiss Patent 247,664 to Schlaeppi in view of U.S Patent 5,129,297 to Bussi. Regarding claims 1-4, 6 and 8, Schlaeppi discloses a hanger (Fig. 1) comprising: a base (at 1 in Fig. 3) having a supported surface (at 2) and an opposite outer surface, an elongate peg (1 in Fig. 1) having a longitudinal axis and a first end (adjacent 5) longitudinally spaced from a second, pointed end (at the tip of 1), a portion of the peg adjacent the first end (adjacent 5) mounted on the base in a use position with the axis of peg being generally at a right angle with respect to the supported surface,

and a major portion (1 generally) of the peg adjacent the second end projecting from the outer surface the peg and having an axially extending threaded (i.e. axially spaced transverse ridges with sharp edges defined by screw threads) surface portion for solely restricting free movement of an object around the peg axially of the peg. Schlaeppi does not expressly disclose the major portion of the peg having a generally uniform cross-sectional area along its length. Bussi discloses a member (Fig. 3) comprising a fastener (3) including a machine screw threaded portion (at 3) having a uniform cross-sectional area along its length. It would have been obvious to one of ordinary skill at the time the invention was made to have modified the hanger of Schlaeppi by substituting the fastener/peg (3) of Bussi for the peg because one would have been motivated to provide a means for self-tapping into objects formed of metal as taught by Bussi (col. 4, lines 50-55). Schlaeppi in view of Bussi does not expressly disclose the major portion of the peg having a diameter being less than 0.17 inch. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the diameter of the major portion of the peg with the dimension specified above since it has been held that that discovering an optimum value of a result effective variable involves only routine skill in the art. With regards to claims 9 and 10, Schlaeppi in view of Bussi discloses the hanger as applied above but does not expressly disclose the peg having a diameter of about 0.11 inch and the major portion of the peg projecting from the outer surface by a distance in a range of 0.15-0.30 inches. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the peg with the dimensions as specified above since it has been held that the

optimization of proportions in a prior art device is a design consideration within the skill of the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekikawa in view of U.S. Patent 2,866,583 to Batts and further in view of U.S. Patent 5,690,561 to Rowland et al. (Rowland). With regards to claims 5, Sekikawa discloses the hanger as applied above but does not disclose the peg including a coating of adhesive or a coating of abrasive granules. Batts discloses a hanger comprising a hanging surface (14) including an adhesive coating of abrasive granules (22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the hanger of Sekikawa by substituting an adhesive coating of abrasive granules for the threads because one would have been motivated to provide a means for holding suspending objects that prevents vibration-induced slippage of the hung objects on the peg as taught by Batts (col. 1, lines 48-56). Sekikawa in view of Batts discloses the hanger as applied above, but does not expressly disclose the abrasive granules defining the sharp edges. Rowland discloses a device for frictionally engaging another object comprising an adhesive coating (Fig. 17) having a serrated surface (112) forming peaks (104) with sharp edges (110) and an alternative frictional means (Fig. 2) comprising a coating of abrasive granules (14) with sharp edges. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the adhesive coating of Batts by providing granules with sharp edges because one would have been motivated to provide an alternative means for frictionally engaging an object mounted on the peg as inherently taught by Rowland.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekikawa in view of Batts. With regards to claim 7, Sekikawa discloses the hanger as applied above but does not disclose the peg including a coating of adhesive. Batts discloses a hanger comprising a hanging surface (14) including an adhesive coating of abrasive granules (22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the hanger of Sekikawa by substituting an adhesive coating of abrasive granules for the threads because one would have been motivated to provide an alternative means for preventing vibration-induced slippage of objects hung on the peg as taught by Batts (col. 1, lines 48-56).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekikawa in view of U.S. Patent 6,106,937 to Hamerski. With regards to claim 11, Sekikawa discloses the hanger as applied above but does not disclose stretch release adhesive on the supported surface of the base. Hamerski discloses a mounted device (Fig. 14) including a base (406) having a supported surface (410) with a length of stretch release adhesive (408) adhered thereto. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the base by including a length of stretch release adhesive attached thereto because one would have been motivated to provide a means for removably bonding an article to a support surface as taught by Hamerski (col. 1, lines 5-8).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlaeppli in view of Bussi as applied above, and further in view of Hamerski. With regards to claim 11, Schlaeppli in view of Bussi discloses the hanger as applied above

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but does not disclose stretch release adhesive on the supported surface of the base.

Hamerski discloses a mounted device (Fig. 14) including a base (406) having a supported surface (410) with a length of stretch release adhesive (408) adhered thereto. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the base of Schlaeppi by substituting a length of stretch release adhesive for the nail (4) because one would have been motivated to provide a means for removably bonding an article to a support surface as taught by Hamerski (col. 1, lines 5-8).

Claims 1-4, 6, 8-10, 12, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,040,149 to Einhorn in view of Bussi. With regards to claims 1-4, 6, 8-10, 12, 18 and 19, Einhorn discloses a hanger (Fig. 34) comprising: a base (140) having a supported surface and an opposite outer surface (141), a protrusion/hook (143) having a longitudinal axis and first (at 144) and second (at 143) longitudinally spaced ends, a portion of the hook adjacent the first end mounted on the base for movement between a use position with the axis of hook being generally at a right angle with respect to the supported surface and a storage position with the hook capable of extending along the outer surface of the base. Einhorn does not disclose the hanger including a peg. However, Einhorn teaches an alternative hanger (Fig. 17) having a peg (67) extending from a base (69), wherein the peg has a longitudinal axis and first and second longitudinally spaced ends, and wherein the peg includes a major portion (at 67) adjacent the second end and extending from the outer surface of the base. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have modified the embodiment of Fig. 34 of Einhorn by substituting the peg (67) for the hook (143) as an equivalent alternative means for supporting an object on the hanger as taught by Einhorn. Additionally Einhorn fails to disclose the major portion of the peg having a diameter of less than about 0.17 inches and having a generally uniform cross-sectional area along its length, and the peg (67) further including an axially extending surface portion defining transverse ridges axially spaced along the peg and defining sharp edges adapted to restrict free movement of an object around the peg axially of the peg. Bussi discloses a member (Fig. 3) comprising a fastener (3) including a machine screw threaded portion (at 3) having a uniform cross-sectional area along its length. It would have been obvious to one of ordinary skill at the time the invention was made to have modified the hanger of Einhorn by substituting the fastener/peg (3) of Bussi for the peg (67) because one would have been motivated to provide a means for self-tapping into objects formed of metal as taught by Bussi (col. 4, lines 50-55). Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the diameter of the major portion of the peg with the dimension specified above since it has been held that that discovering an optimum value of a result effective variable involves only routine skill in the art. With regards to claims 9 and 10, Einhorn does not expressly disclose the peg having a diameter of about 0.11 inch and the major portion of the peg projecting from the outer surface by a distance in a range of 0.15-0.30 inches. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the peg with the dimensions as specified above since it has been held that the

optimization of proportions in a prior art device is a design consideration within the skill of the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961).

Claims 13, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,430,301 to Venus in view of Sekikawa. Regarding claims 13, 15, and 17, Venus discloses a combination comprising: a base (130) having a supported surface (at 100 in Fig. 2) and an opposite outer surface, an elongate peg (72) having a longitudinal axis and a first end (at 70 generally) longitudinally spaced from a second, pointed end (adjacent 72), a portion of the peg adjacent the first end mounted on the base with the axis of peg being angled with respect to the supported surface, a major portion of the peg adjacent the second end projecting from the outer surface, having a generally uniform cross section along its length, and further having an axially extending surface portion (along 72) extending through openings in sheets of paper (col. 1, lines 22-24). Venus does not expressly teach the major portion of the peg having a diameter of less than about 0.17 inches. However, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the major diameter of the peg with the dimension specified above since it has been held that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Venus does not teach the peg being mounted at a right angle with respect to the supported surface or the surface portion defining closely spaced sharp edges. Sekikawa discloses the hanger as described above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the peg of Venus by extending the peg from the

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supported surface at a right angle and providing sharp edges along the surface portion because one would have been motivated to provide a means for *securely* suspending an object from the surface of the peg as taught by Sekikawa.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Venus in view of Sekikawa, as applied to claims 13, 15 and 17 above, in view of Schlaeppi and further in view of Bussi. With regards to claim 14, Venus in view of Sekikawa discloses the combination as applied above but does not disclose the sharp edges defined by screw threads. Schlaeppi discloses the hanger as described above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the sharp edges of Sekikawa to be defined by screw threads because one would have been motivated to provide an equivalent, alternative means for frictionally engaging an object mounted on the peg as inherently taught by Schlaeppi. Venus in view of Sekikawa in view of Schlaeppi does not teach the screw threads being machine screw threads. Bussi discloses the fastener as described above. It would have been obvious to one of ordinary skill at the time the invention was made to have modified the threads of Schlaeppi to be machine screw threads because one would have been motivated to provide a means for self-tapping into objects formed of metal as taught by Bussi (col. 4, lines 50-55).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Venus in view of Sekikawa, and further in view of U.S. Patent 5,690,561 to Rowland et al. (Rowland). With regards to claim 16, Venus in view of Sekikawa discloses the hanger as applied above but does not disclose the peg including a coating of abrasive granules.

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Rowland discloses a device for frictionally engaging another object comprising an adhesive coating (Fig. 17) having a serrated surface (112) forming peaks (104) with sharp edges (110) and an alternative frictional means (Fig. 2) comprising a coating of abrasive granules (14) with sharp edges. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the peg of Venus in view of Sekikawa by substituting an adhesive coating of abrasive granules for the threads because one would have been motivated to provide an alternative means for holding suspending objects that prevents vibration-induced slippage of the hung objects on the peg as taught by Batts (col. 1, lines 48-56).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 71635 to Parsons; 547335 to Crocker; 684145 to Watt; 805393 to Washburn; 958801 to Gibbs; 1687581 to Murphy; 2866583 to Batts; 3633253 to Ellis; 3637181 to Janssen; 4244085 to Tsao-Tsung; 4338151 to Hutter, III; 4842912 to Hutter, III; 4863127 to Handler; 5125758 to DeWan; 5169116 to Bergetz; 5236168 to Roy; D346736 to Rosenthal; 5409189 to Luhmann; 5433413 to Adams; 5593120 to Hamerski; 6162534 to Hamerski; 6186466 to Baird et al; 2003/0047654 to Johansson et al; 6206334 to Weck et al; 6569521 to Sheridan et al; 6729591 to Hsu.


Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's

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supervisor, Leslie Braun can be reached at 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
6/8/04


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER